



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

THOMAS D. WATKINS, JR.  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

**MEMORANDUM**

**TO:** State Board of Education  
**FROM:** Thomas D. Watkins, Jr., Chairman  
**DATE:** April 9, 2003  
**SUBJECT:** Report on the Approval of Special Education Procedures

New Administrative Rules for Special Education (Rules) were effective on June 6, 2002. Changes to the Rules made it necessary to update the Monitoring Standards for Special Education, the Procedures for the Appointment of Local Special Education Due Process Hearing Officers, and the Intermediate School District Plan Objection Hearing Procedures.

The Individuals With Disabilities Education Act (IDEA) requires that states ensure that the requirements of IDEA are met through a monitoring process. The Revised Administrative Rules for Special Education (Rules), at R 340.1839, require that the Michigan Department of Education (Department) establish monitoring procedures, criteria, and other activities to ensure that all public agencies meet minimum monitoring standards.

The IDEA, at §300.508, and the Rules, at R 340.1724a, address the appointment of an impartial hearing officer. The IDEA requires the state to maintain a list of qualified persons who can serve as hearing officers.

The School Code at §380.1711(1)(a) and R 340.1831 of the Rules charges Michigan's 57 intermediate school districts to coordinate, develop, establish, and continually evaluate a Plan for the Delivery of Special Education Programs and Services (Plan). Procedures were established that are to be followed when the Department receives an objection to a Plan from a local constituent district, public school academy, or the parent advisory committee.

Under the regulations implementing the IDEA, the Department was required to seek public comment on any changes to the state's special education policies and procedures. The Office of Special Education and Early Intervention Services (OSE/EIS) conducted public hearings and received public comment from August 1, 2002 through October 31, 2002. The OSE/EIS staff made revisions to the procedures based on public comment and presented them to the Special Education Advisory Committee (SEAC) in April, 2003. In April 2003, the SEAC recommended the Monitoring Standards for Special Education, the Procedures for the Appointment of Local Special Education Due Process Hearing Officers, and the Intermediate School District Plan Objection Hearing Procedures for approval by the Superintendent. These procedures have been approved and are on file in the Board office.

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